

AUG 23 2012

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7011 0470 0002 2747 1065

Honorable Lawrence E. Cline, Mayor
City of Rockaway Beach
P.O. Box 315
Rockaway Beach, Missouri 65740

Dear Mayor Cline:



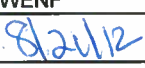
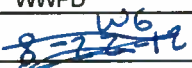
This letter concerns the compliance status of the Rockaway Beach Wastewater Treatment Plant in Rockaway Beach, Missouri. The U.S. Environmental Protection Agency has reviewed information that the City of Rockaway Beach (City) submitted in response to EPA's Administrative Compliance Order that was issued February 5, 2008. The information that has been submitted in the past few years demonstrates an ongoing inability on the part of Rockaway Beach to meet its permitted effluent limits for phosphorus and occasionally for ammonia and fecal coliform.

The failure of Rockaway Beach to properly control its pollutant discharges has caused excessive amounts of these pollutants to be discharged into Lake Taneycomo. The Clean Water Act was enacted to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. Towards that end, the CWA provides, among other things, that the discharge of pollutants into a water of the United States is unlawful except in compliance with a permit.

Under CWA Section 309, 33 U.S.C. § 1319, the EPA is authorized to seek penalties for violations of Section 402 of the CWA. To determine the appropriate penalty amount, the EPA considers such factors as the nature, extent and gravity of the violation, any prior history of violations, economic benefit gained and degree of culpability. The EPA has applied these factors to this case and determined that a penalty of \$23,200 is justified.

Opportunity for Pre-filing Conference

Although the EPA has not yet filed a civil penalty action against the Respondent, our intent is to file an administrative complaint sometime within the next 60 days. By this letter, we are offering the Respondent an opportunity to negotiate a resolution of the proposed penalty prior to the EPA's filing of this complaint. As part of these pre-filing negotiations, the EPA will consider any additional information that the Respondent has that is relevant to the penalty. The EPA's preference is to resolve this matter through pre-filing negotiations. However, if we are unable to resolve the matter within 60 days of the Respondent's receipt of this letter, the EPA intends to file a formal complaint in which the terms of this offer will no longer be available.

CONCURRENCE:H: WWPDP/WENF\ 2012 Correspondence\Sans\ Rockaway Beach Prefiling letter					
NAME	Sans	Ashe Humphrey Weekley	Huffman	Flournoy	
BRANCH	WENF	CNSL	WENF	WWPD	
SIGN		AA 			
DATE	7/30/12	7/30/12	8/20/12	8-22-12	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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Honorable Lawrence E. Cline
Mayor
City of Rockaway Beach
P.O. Box 315
Rockaway Beach, MO 65740

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